

REMARKS

In the above-mentioned final Office action, all of the pending claims, claims 1-7, were rejected. Claims 1-4 and 5-7 were rejected under Section 102(e) over the 3GPP technical specification of No. TS 25.331 v3.16.0 (2003-9). Claim 5 was further rejected under Section 103(a) over the combination of the 3GPP technical specification and *Laitinen*. Additionally, claims 1 and 7 were rejected under Section 112 for reciting subject matter asserted by the Examiner not to be clear.

The Applicant respectfully traverses the Examiner's rejections of the claims under Sections 112, 102(e), and 103(a) for reasons that follow.

With respect to the Section 112 rejection of claims 1 and 7, the Examiner asserted that the recitations of claims 1 and 7 are unclear as to why the system information block of type 11 must be applied before applying the system information associated with the system information block information element in the system information block of type 12 when the same information is included in both the system information block of type 11 and the system information block of type 12. The Examiner assumes that the same type of information rather than the same information should be recited.

In response, the Applicant believes the recitations of claims 1 and 7, and additionally the recitations of claim 6, to be correct as presently recited. The Applicant notes that the same system information elements may have the same type but contain different information. For instance, where a cell info list IE (Information Element) of SIB (System Information Block) 11 contains cells 1 and 2, and the cell info list for the SIB 12 contains cells 2 and 3, cell 2 information may be slightly different in SIB 12. The order that application of the system information associated with the system information block elements can give rise to different results. If, for example, the SIB 12 is first applied to the SIB 12 information for cell 2, this would be overwritten with that received in SIB 11. Conversely, if the SIB 11 were applied first, then the SIB 11 information for the cell 2 would be overwritten with that received in the SIB 12.

Accordingly, claims 1 and 7, as presently recited, are believed both to be accurate and to be clear within the meaning of Section 112.

Claims 1-4 and 5-7, rejected under Section 102(e), are also believed to be distinguishable over the cited reference of the 3GPP document. In the rejection under Section 102(e), the Examiner relies upon Section 8.1.1.4, lines 1-3, of the 3GPP technical specification for teaching that the system information blocks are assembled in ascending order with respect to a segment index. Review of this section, however, indicates that lines 1-3 make reference only to Sections 8.1.1.6. And, Section 8.1.1.6 describes the reception of system information blocks in a certain position in relation to the scheduling information for the system information block. Section 8.1.1.6, e.g., states that “if the UE does not find a system information block in a position where it should be according to its schedule information, then a transport block with correct CRC will span that position, the UE shall read the scheduling information for this system information block”.

There simply is no disclosure in the cited reference of an order to the application of SIB 11 and SIB 12 as recited in claim 1. Claims 6 and 7 include analogous recitations and these claims are believed to be distinguishable over the cited reference for the same reason.

The Applicant further notes that the cited reference also does not disclose details relating to the order of application. Reference is rather made to inclusion in a measurement report of information from the SIB 12, or information from the SIB 11 if the SIB 12 information is not broadcast. There is no disclosure of what would happen if the same information element is broadcast in both SIBs.

The Examiner further stated that the Applicant asserted, in the earlier response, that the SIB 12 is the “preferred SIB” but does not indicate where in the reference that this assumption is taught. Reference is made to the final paragraph on page 6 of the amendment dated 31 January 2006 (responsive to the Office action of 1 November 2005). This paragraph of the earlier response refers to Table 8.1.1 of the cited reference and states “If some of the optional IEs (information elements) are not included in the system information block 12, the UE shall read the corresponding IEs in system information block 11.” That is, it is the IE from the SIB 12 that is used in preference to the one in SIB 11. And, additionally, the Examiner further states that, since the SIB 11 contains information about the SIB 12 by way of the “SIB indicator”, the SIB 11 has to be processed for the SIB 12 to know whether the SIB 12 is broadcast in the cell. And, the

Appl. No. 10/777,478
Amdt. dated September 5, 2006
Reply to Office Action of May 3, 2006

Examiner maintains that processing the SIB 12 implies that the SIB has been processed before. The Applicant notes that the claims of the present application relate to an order of application of SIB 11 and SIB 12, while the Examiner, in contrast, refers to “processing”. The purpose of the SIB indicator is not to detail the order of application of two SIBs with the same information element. If an SIB 12 indicator is false, the UE knows that there will not be any SIB 12 broadcast and will then apply SIB 11 in a connected mode. If the SIB 12 indicator is true, a prior art UE shall wait for the SIB 12 before applying the SIB 11. The SIB 11 does not have to be “applied” for the SIB 12 to know whether the SIB 12 is broadcast in a cell according to the SIB indicator.

For the reasons, therefore, the invention recited in independent claims 1, 6, and 7 are believed to be distinguishable over the cited reference of the 3GPP technical specification document.

Laitinen, cited in combination with the 3GPP technical specification document in the rejection of claim 1, was relied upon by the Examiner merely for showing a computer program product comprising program code means stored on a computer-readable medium when the program is run on a computer. *Laitinen*, however, fails to disclose the method recited in claim 1 or, as a result, a computer program product for performing the method of claim 1. Accordingly, the Applicant further believes that no combination of *Laitinen* and the 3GPP technical specification document can be formed to create the invention recited in claim 5.

As others of the dependent claims include all the recitations of their parent claim, these claims are believed to be distinguishable over the cited references, taken alone or in combination, for the same reasons as those given above.

Accordingly, in light of the foregoing, claims 1, 6, and 7, and the dependent claims, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Appl. No. 10/777,478
Amdt. dated September 5, 2006
Reply to Office Action of May 3, 2006

Respectfully submitted,

/robert h. kelly/

Dated: _____

Robert H. Kelly
Reg. No. 33,922

SCHEEF & STONE, L.L.P.
5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4201
Fax: (214) 706-4242
robert.kelly@scheefandstone.com